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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|--|-------------|----------------------|-----------------------------|------------------------|
| 09/644,198   | 08/22/2000  | Tamotsu Ito          | 16869P-011900US             | 1115                   |
| 20350 7590 09/21/2007<br>TOWNSEND AND TOWNSEND AND CREW, LLP<br>TWO EMBARCADERO CENTER<br>EIGHTH FLOOR<br>SAN FRANCISCO, CA 94111-3834 |             |                      | EXAMINER<br>BROWN, RUEBEN M |                        |
|  |             |                      | ART UNIT<br>2623            | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>09/21/2007     | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                               |                            |  |
|------------------------------|-------------------------------|----------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/644,198 | Applicant(s)<br>ITO ET AL. |  |
|                              | Examiner<br>Reuben M. Brown   | Art Unit<br>2623           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Applicant argues on pages 5-6 that Takahashi does not teach the claimed feature of, 'to play back automatically the user-specified title as a small frame if there is no button input for a select period of time'. However, this feature is met by the disclosure of May, (col. 15, lines 45-60). The above passage teaches that a focus command 400 (such as displaying video previews) may be automatically invoked if no user input is received after a specified period of time, specifically selecting the focused program.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 & 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, (U.S. Pat # 6,483,983), in view of Kobayashi, (U.S. Pat # 6,938,215) and May, (U.S. Pat # 5,544,354).

Considering amended claims 1 & 36, Takahashi teaches an apparatus (Fig. 1) that enables a user to access a plurality of programs. The amended claimed features of the content including a plurality of titles that includes a plurality of chapters, each chapter including a plurality of frames, the titles and chapters include moving pictures, is met by the disclosure of Takahashi (Fig. 3; col. 5, lines 21-40; col. 6, lines 20-40; col. 9, lines 31-40).

‘driver module configured to access the content and having a driver output to produce an information signal for the accessed content’ and ‘a decoder module operatively coupled to the driver module to receive information signal’, reads on the driver unit 1 and decoder unit 3, (Fig. 1; col. 3, lines 62-67 thru col. 4, lines 1-37).

‘user input module configured to receive user input with at least a select button and/or cursor button’, reads on the user interface 11, col. 4, lines 56-67.

The amended claimed, ‘system control module configured to control, the driver and decoder modules to produce as first display for a plurality of titles, each titles being represented by single frames in the first display signal, at least the single frames for the plurality of programs

are configured to be displayed on a display module as a title selection screen', Takahashi shows in Fig. 3 that a plurality of titles are available for selection by the user (as tag 18). The claimed title selection screen, is broad enough to read on the titles (1-3) being displayed on Fig. 3.

As for the additionally claimed feature, 'wherein the single frames are selected from any part of the moving picture', Takahashi does not go into such a detail. Nevertheless Kobayashi, which is in the same field of endeavor, (i.e., enabling a user to interactively select an item from among a plurality of items), teaches that a plurality of programs may be displayed on the screen as thumbnails, col. 5, lines 35-65. In particular, in a Thumbnail Image Browser screen, the thumbnail images 53 represent files (names) that may be stored on one or more recording devices, col. 1, lines 50-62; col. 6, lines 4-10. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi with the feature of utilizing an image to represent a title or file name, for the advantage of allowing the user to confirm the content of the file, as taught by Kobayashi, col. 5, lines 58-61.

'wherein the system control module, in response to receiving a user-specified title selection from the select button is configured to control the decoder module to produce a second display signal from the plurality of chapters, each of the chapters being represented by a single frame, at least the single frames for the plurality of chapters are configured to be displayed on a display module as a chapter selection screen', also is broad enough to read on the disclosure of Takahashi, (Fig. 3; col. 5, lines 21-49). Takahashi teaches that the chapters are represented by the still images (frames) shown in boxes 19a-19i.

‘wherein the system control module, in response to receiving a user specified title selection from the cursor button, is configured to control the decoder module to play back automatically user-specified title as a small frame if there is no button input for a select period of time’, Takahashi, (col. 7, lines 65-67 thru col. 8, lines 1-2; col. 11, lines 25-67; col. 12, lines 32-63), discloses that after a user selects a chapter with the cursor button 27, that the associated moving picture may be displayed for a duration of time, col. 7, lines 25-37. However, Takahashi does not explicitly discuss a delay time when waiting for another user input before starting the moving picture. Nevertheless, May, which is also in the same field of endeavor of interactive selection, teaches a plurality of programming choices presented to viewer as a thumbnail screen, see Fig. 1A-1E. May goes on to teach that the focus command 400 which would be invoked by the user moving a cursor over any one of the cells in the matrix, corresponds with the disclosure of Takahashi. Furthermore, May teaches that this focus command 400 (which may cause related video preview(s) to be displayed as a thumbnail in the content window) may be automatically invoked if the viewer does not provide another input, for a predetermined period of time, i.e., a timeout, see col. 15, lines 45-67. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi with the feature of waiting for predetermined period of time before displaying the thumbnail preview, at least for the benefit of checking to see if the user desired to go directly to watching the selected program, before instantaneously starting the review, which would have then required the viewer to stop the instant preview and then subsequently request the actual program.

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As for the further claimed feature, 'wherein the automatic playback start position of the user-specified title is part of the moving picture indicated by the single frame', Takahashi teaches that moving pictures is played from the start picture of the chapter, col. 6, lines 34-51; col. 7, lines 25-50.

Regarding claim 36, the claimed elements of an apparatus for accessing content on a storage medium that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated. Furthermore, claim 36 recites 'program', which corresponds with the claimed 'title' of claim 1. Also claim 36 recites, 'plurality of scenes', which likewise corresponds with claimed chapters of claim 1.

Considering claims 35 & 37, May teaches the claimed, 'skipping' and 'fast forward playback', see Fig. 8 & col. 21, lines 11-67 thru col. 22, lines 1-15.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Miller Teaches waiting a preset time to see if a button is pushed again, before playing small image, col. 5, lines 1-15.

B) Moynihan Teaches accessing programming content using thumbnails or indexed images.

C) Gould Teaches accessing programming content using thumbnails or indexed images.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
REUBEN M. BROWN  
PATENT EXAMINER